

MINUTES
REGULAR BOARD MEETING
THURSDAY, APRIL 20, 2006, 9:00 A.M.

Board Members Present at Roll Call: Les Abrams, Gabe Corral, Lee Ann Elliott, Tom Heineman, Cynthia Henry, Myra Jefferson, Gaye Rutan. A quorum was present. Board Member Present after Roll Call: Rod Bolden. Board Members Absent: Sarah Vetault.

Also Present at Roll Call: Debb Pearson, Executive Director; Crickett Payne, Regulatory Compliance Administrator; Beth Campbell, Assistant Attorney General.

Les Abrams acted as Chairperson.

The Board pledged allegiance to the flag of the United States of America.

Gaye Rutan moved that the Minutes of the March 26, 2006, Regular Board Meeting be approved. Myra Jefferson seconded the motion. The Board voted unanimously in favor of the motion. Lee Ann Elliott moved that the Minutes of the April 12, 2006, Telephonic Special Board Meeting be approved. Myra Jefferson seconded the motion. The Board voted unanimously in favor of the motion.

PUBLIC ANNOUNCEMENTS AND CALL TO PUBLIC

James Woodfin Thomas, USDA/FSA, filed a Call to Public and spoke to the Board concerning disposition of complaints 1310/1392, Jim L. Sanders.

COMPLAINT REVIEW

Review and Action Concerning Issues Dealing With Formal Hearing Regarding 05F-5174 - BOA, Carey J. Doyle.

Neither respondent nor his counsel, Gretchen M. Lindquist, Esq., appeared. Elizabeth A. Campbell, Assistant Attorney General, represented the State of Arizona. Mary Jo Foster, Assistant Attorney General, Solicitor General's Office, provided legal advice to the Board. The Board, having reviewed the record, heard oral argument on behalf of the State. Lee Ann Elliott moved that the Board accept the Administrative Law Judge's Findings of Fact 1-29, inclusive, with the correction of typographical errors, to read as follows:

FINDINGS OF FACT

1. The Arizona State Board of Appraisal ("Board") is the authority for regulating and controlling the licensing and certification of real estate appraisers in the State of Arizona.
2. On or about March 3, 2005, Carey J. Doyle ("Applicant") filed an Application for State Certified General Real Estate Appraiser with the Board.
3. An Arizona certified general appraiser may appraise any type of real property in Arizona.
4. In Arizona, appraisers must comply with the *Uniform Standards of Professional Appraisal Practice* ("USPAP") promulgated by The Appraisal Foundation, which is authorized by Congress as the source of appraisal standards and appraiser qualifications.
5. Applicants for certification as general real estate appraisers are required by the Board to submit two nonresidential market value appraisal reports and one residential appraisal report.
6. Applicant submitted three appraisals with his application: one commercial, the Summerset River Development appraisal ("Summerset appraisal") for property located in Blythe, California, along the Colorado River; a residential appraisal for 8215 N. 62nd Pl., Paradise Valley, Arizona; and, a residential appraisal of 747 N. Boulder St., Gilbert, Arizona.
7. Applicant's application was referred to the Board's Application Review Committee ("Committee"). The Committee reviews applications and makes recommendations to the Board, who is the final body for granting or denying applications for licensure or certification. The Committee for Applicant's application was comprised of Thomas E. Heineman, the Board's chairman, and Gaye L. Rutan, the Board's vice-chairman.¹

¹Mr. Heineman and Ms. Rutan are both certified general real estate appraisers, and the only two Board members holding such certification.

8. The Committee met with Applicant on April 20, 2005, to review his submitted appraisals. The meeting was recorded by audio tape.²

9. The Committee determined that Applicant's residential appraisals met USPAP requirements. However, the Committee had criticisms of Applicant's Summerset appraisal.

10. Ms. Rutan had extensive knowledge of the market in the area of the subject property of the Summerset appraisal, both the California side of the Colorado River and the Arizona side. Mr. Heineman admitted that he did not have such knowledge of the market.

11. Applicant criticizes Ms. Rutan's alleged dominance of the meeting.³ It is found that both Ms. Rutan and Mr. Heineman acted

²Applicant offered into evidence a transcript of that meeting, marked as Exhibit 10 for identification. The Board's objection to the introduction of the transcript was sustained because it was not prepared by a certified court reporter and the preparer of the transcript was not identified.

Applicant offered Exhibit 11, an audio tape of the April 20, 2005, meeting which was admitted into evidence. Selected portions of the tape were played at the hearing, and the Administrative Law Judge listened to the entire tape as requested by the parties after the conclusion of the hearing.

³Applicant and Ms. Rutan apparently have some common friends. At the hearing, Applicant requested a recommendation from the Administrative Law Judge that Ms. Rutan recuse herself from further deliberations concerning his application based upon her conduct at the April 20, 2005, Committee meeting with him. No such recommendation is warranted based upon the evidence of record.

professionally in conducting the meeting, analyzing the Summerset appraisal and counseling Applicant.

12. The Committee discussed their criticisms of the Summerset appraisal with Applicant. Mr. Heineman became concerned when it was discovered that Applicant had signed the Summerset appraisal and transmitted it to his international client as an appraiser. Applicant is not a licensed or certified appraiser in any jurisdiction, although he contends he has extensive international appraisal experience. Ms. Rutan also suggested, which is found to have been appropriate, that Applicant obtain a tutor to assist him in his nonresidential appraisal preparations during the application process.

13. At first Mr. Heineman stated that his recommendation was to refer the application to the entire Board with the recommendation to deny it. After further discussion, which included, at Applicant's request, an explanation by the Committee of the USPAP deficiencies in the Summerset appraisal, Ms. Rutan suggested that the Committee determine that Applicant's application was substantively incomplete, thereby permitting Applicant to correct the deficiencies in the Summerset appraisal and submit the required second nonresidential appraisal. The Committee took that position.

14. By letter dated April 22, 2005, the Board's Executive Director advised Applicant that his application was substantively incomplete and that he needed to submit two market value nonresidential reports.

15. By letter dated May 23, 2005, Applicant submitted an appraisal of La Mirada Apartment Complex ("La Mirada appraisal") for a client, John Chen of Guiberson Ventures of Singapore. The letter stated that Mr. Chen had requested Applicant to "perform a Limited Summary Appraisal." The La Mirada Apartment Complex is located at 948 E. Devonshire Avenue, Phoenix, Arizona.

16. By letter dated July 7, 2005, Applicant resubmitted a revised Summerset appraisal and "a case study without a particular client as an example of [his] ability to perform a commercial appraisal." Applicant wrote that he generated an appraisal of the La Mirada Apartment Complex.

17. The Committee met again on July 20, 2005, and reviewed the additional information received by the Board on July 8, 2005, in response to the April 22, 2005 notice of the Applicant's substantively incomplete application. The Committee determined that the July 8, 2005, submissions did not comply with the items requested in the April 22, 2005, letter. Applicant was again advised that his application was "still substantively

incomplete for the following reason(s): 1. Submit two market value nonresidential reports that meet USPAP Standards.”

18. By letter dated November 10, 2005, Applicant wrote the following to Mr. Heineman: “Attached is the revised La Mirada Apartment Complex appraisal for your consideration. Thank you for your review of my information.” While Applicant testified that he also included another revised Summerset appraisal, there is no credible evidence that he did so, as requested by the Board. The Board did not receive a third Summerset appraisal and Applicant’s November 20, 2005, letter to Mr. Heineman does not indicate that he transmitted it with the revised La Mirada Apartment Complex appraisal.

19. On December 15, 2005, the Board reviewed Applicant’s application for general real estate appraiser certification. The Board voted to deny his application finding that the appraisals submitted contained USPAP violations, despite Applicant having been given the opportunity to correct the USPAP violations. The Board denied Applicant’s application based upon the following findings:

(1) The Board’s statutes at A.R.S. § 32-3611(D) require that all applications be examined for “honesty, truthfulness, reputation, and competency.” The Board denied your application under A.R.S. § 32-3611(D) because the continuing USPAP violations in the appraisal reports you submitted demonstrated a lack of competency.

(2) The Board denied your application under A.R.S. § 32-3631(A)(2) because the continuing USPAP violations in the appraisal reports you submitted demonstrated a failure to meet the minimum qualifications established by the Board’s statutes and rules.

(3) The Board denied your application under A.R.S. § 32-3631(A)(6) because the continuing USPAP violations in the appraisal reports you submitted demonstrated a violation of the standards of the development or communication of appraisals as provided in the Board’s statutes and rules.

(4) The Board denied your application under A.R.S. § 32-3631(A)(6) because the continuing USPAP violations in the appraisal reports you submitted demonstrated negligence or incompetence in developing an appraisal, in preparing an appraisal report, or in communicating an appraisal.

20. Applicant timely filed an appeal of the Board's denial of his application. The Board then submitted the appeal to the Office of Administrative Hearings, an independent agency, for formal hearing.

21. Roy E. Morris, III, conducted an investigation not an appraisal review, on behalf of the Board to determine whether Applicant violated USPAP in his submitted appraisals. Mr. Morris is a certified general real estate appraiser and a USPAP instructor. In fact, Applicant was a student in one of Mr. Morris' USPAP courses. Mr. Morris utilized the 2004 and 2005 editions of USPAP in his investigations. Mr. Morris reviewed Applicant's application and his submitted appraisals.

22. Mr. Morris testified at the hearing as the Board's investigator and expert witness.

23. Mr. Morris opined that "that there were significant and substantial errors of omission and commission, and failure to correctly use those recognized methods and techniques necessary to produce a credible appraisal(s) that raise to the level of competency" by Applicant, in violation of USPAP Standard Rule 1-1(a) and (b), Standards Rules 2-2(b)(ix) and Competency Rule.

24. Mr. Morris' investigation led him to conclude that Applicant did not have the required 2,000 hours of supervised appraisal experience. He determined "that most of the claimed experience was investment analysis which comes under valuation services but not appraisal services. (See AQB Criteria/Board Criteria and Definitions section of USPAP under Appraisal Practice and Valuations Services.)"

25. As with Mr. Heineman and Ms. Rutan, Mr. Morris determined that "[t]he reports submitted [by Applicant] as residential samples under the supervision of the signing appraisers substantially met the USPAP and supervisory experience requirements."

26. Mr. Morris opined that the Summerset appraisal and the La Mirada appraisal failed to employ supported analysis for credible results, in violation of Standard Rule 1, Development Analysis and Standard Rule 2, Reporting.

27. Mr. Morris' written report to the Board dated January 30, 2006, contains the following observation which appears to echo that expressed by Ms. Rutan during the April 20, 2005, meeting with Applicant:

This investigator did counsel with the applicant briefly in investigator's office and did point out some additional data and analysis that would be required in an apartment assignment. My own experience is that if the applicant were to obtain

supervised experience for general level appraisal assignments, the current lack of competence could be rectified. The general knowledge appears to have been acquired; but specific application of the appraisal process and selection of and analysis within Standard Rule 1-4 Approaches and Standard Rule 2-1 in communicating to intended user(s) for their intended uses are lacking.

28. At the hearing, Applicant failed to present credible evidence supporting his qualifications for certification. Applicant did not present any expert testimony or expert evidence supporting his appeal.

29. The Board presented evidence that three certified general real estate appraisers have each concluded that Applicant currently lacks the necessary qualifications for certification as a general real estate appraiser in Arizona. Those certified general real estate appraisers have appropriately suggested that Applicant obtain additional training necessary for certification. Given Applicant's educational and work history, it would appear that if he invested the time in such training he most likely would acquire the necessary skills required for certification.

Gaye Rutan seconded the motion. The Board voted unanimously in favor of the motion. Gaye Rutan moved that the Board accept the Administrative Law Judge's Conclusions of Law 1-7, inclusive, to read as follows:

CONCLUSIONS OF LAW

1. The Board has jurisdiction over the subject matter in this appeal.
2. Pursuant to A.R.S. § 41-1092.07(G)(1), Applicant has the burden of proving his eligibility for certification as a general real estate appraiser. The standard of proof is a preponderance of the evidence. A.A.C. R2-19-119(A).
3. Applicant's continuing USPAP violations in the nonresidential appraisal reports submitted in support of his application demonstrated a lack of competency, as required by A.R.S. § 32-3631(A)(2).
4. Applicant's continuing USPAP violations in the nonresidential appraisal reports submitted in support of his application demonstrated a failure to meet the minimum qualifications for certification as a general real estate appraiser established by the Board's statutes and rules, as required by A.R.S. § 32-3631(A)(6).

5. Applicant's continuing USPAP violations in the nonresidential appraisal reports submitted by Applicant demonstrated negligence or incompetence in developing a nonresidential appraisal, in preparing a nonresidential report or in communicating a nonresidential appraisal, as required by A.R.S. § 32-3631(A)(7).

6. As a result of the above violations by Applicant, the Board had sufficient justification to deny Applicant's application for certification as a general real estate appraiser pursuant to A.R.S. §§ 32-3611(D) and 32-3631(A).

7. Applicant failed to sustain his burden of proof as required by A.R.S. § 41-1092.07(G)(1). Therefore, his appeal in this matter should be dismissed and the Board's denial of his application for certification as a general real estate appraiser should be upheld and affirmed.

Gabe Corral seconded the motion. The Board voted unanimously in favor of the motion. Lee Ann Elliott moved that the Board accept the Administrative Law Judge's Order, to read as follows:

ORDER OF DENIAL OF APPLICATION

In issuing this order, the Board considers its burden to protect the public welfare and safety, as well as all aggravating and mitigating factors presented in the case. Based on the foregoing Findings of Fact and Conclusions of Law, the Board upholds its earlier denial of Application No. 5174 for certification as a general real estate appraiser submitted by Carey J. Doyle.

RIGHT TO PETITION FOR REHEARING OR REVIEW

Applicant is hereby notified that he has the right to petition for a rehearing or review. Pursuant to A.R.S. § 41-1092.09, as amended, the petition for rehearing or review must be filed with the Board's Executive Director within thirty (30) days after service of this Order and pursuant to A.A.C. R4-46-303, it must set forth legally sufficient reasons for granting a rehearing or review. Service of this order is effective five (5) days after mailing. If a motion for rehearing or review is not filed, the Board's Order becomes effective thirty-five (35) days after it is mailed to Applicant.

Applicant is further notified that the filing of a motion for rehearing or review is required to preserve any rights of appeal to the Superior Court.

Gaye Rutan seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning Issues Dealing With Formal Hearing Regarding 2039, Hayden L. Meier.

Respondent appeared and was represented by his attorney, Matthew W. Wright, Esq. Elizabeth A. Campbell, Assistant Attorney General, represented the State of Arizona. Mary Jo Foster, Assistant Attorney General, Solicitor General's Office, provided legal advice to the Board. The parties made statements to the Board. Lee Ann Elliott moved that the proposed Consent Agreement and Order of Discipline require a minimum of 20 appraisals.

Rod Bolden seconded the motion. The Board voted unanimously in favor of the motion. Lee Ann Elliott moved that the Board approve the proposed Consent Agreement and Order of Discipline, as amended. Gaye Rutan seconded the motion. The Board voted unanimously in favor of the motion. Gaye Rutan moved that if the Consent Agreement and Order of Discipline is signed within 30 days, the Board's referral to formal hearing before the Office of Administrative Hearings (OAH) be rescinded. Rod Bolden seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning Issues Dealing With Formal Hearing Regarding 1310/1392 (02F-1310-BOA/03F-1392-BOA), Jim L. Sanders.

Tom Heineman and Gaye Rutan recused themselves. Respondent did not appear. Elizabeth A. Campbell, Assistant Attorney General, represented the State of Arizona. Mary Jo Foster, Assistant Attorney General, Solicitor General's Office, provided legal advice to the Board. Lee Ann Elliott moved that the Board go into Executive Session for legal advice. Rod Bolden seconded the motion. The Board voted unanimously in favor of the motion. Upon return from Executive Session, the Board, having reviewed the record, heard oral argument from the State. Gabe Corral moved that the Board deny Respondent's Petition for Rehearing because he failed to demonstrate that he possessed newly discovered evidence relevant to his case and he did not demonstrate any other reason materially affecting his rights as required pursuant to A.A.C. R4-46-303. Rod Bolden seconded the motion. The Board voted unanimously in favor of the motion. The Board's Findings of Fact, Conclusions of Law and Order of Probation dated February 21, 2006, is now final.

Review and Action Concerning Issues Dealing With Formal Hearing Regarding 1571/1572/1834/ 1840/2010/2012 (03F-1571-BOA/03F-1572-BOA/04F-1834-BOA/04F-1840-BOA/05F-2010-BOA/ 05F-2012-BOA), Richard C. Blackburn.

Gabe Corral recused himself. Respondent did not appear. Elizabeth A. Campbell, Assistant Attorney General, represented the State of Arizona. Mary Jo Foster, Assistant Attorney General, Solicitor General's Office, provided legal advice to the Board. Gaye Rutan moved that because Respondent's certified residential certificate No. 21010 has expired, the Board rescind its referral to formal hearing before the Office of Administrative Hearings (OAH) and the complaints be closed to be reopened in the event Respondent reapplies for licensure or certification. Lee Ann Elliott seconded the motion. The Board voted unanimously in favor of the motion.

Informal Hearing Concerning 2045, Joanna M. Conde.

Respondent and her attorney appeared. Respondent was sworn in, made statements to the Board and answered the Board's questions. Gaye Rutan moved that the Board find no violations and that the matter be dismissed. Lee Ann Elliott seconded the motion. The Board voted 6-1 in favor of the motion. Gabe Corral abstained.

Informal Hearing Concerning 2127, Donald W. Mowery.

Respondent did not appear. Gaye Rutan moved that the matter be referred to formal hearing before the Office of Administrative Hearings (OAH). Cynthia Henry seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2095, Lloyd K. Boswell.

Respondent appeared. Gaye Rutan moved that the Board accept the investigator's report. Tom Heineman seconded the motion. The Board voted unanimously in favor of the motion. Gaye Rutan moved that the Board find no violations and dismiss the complaint. Tom Heineman seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2081/2082, Stacey L. Fitzpatrick.

Respondent and her attorney appeared. Tom Heineman moved that the Board dismiss the complaints for lack of evidence. Lee Ann Elliott seconded the motion. The Board voted 7-1 in favor of the motion. Gabe Corral voted no.

Review and Action Concerning 2128, Thomas M. Kittelmann.

Respondent appeared. Staff summary was read. Lee Ann Elliott moved that the Board find no violations and dismiss the complaint. Rod Bolden seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 1625/1626/1888/1889/1890, James D. Schofield.

Respondent appeared. Tom Heineman recused himself. Gabe Corral moved that the Board accept the late mentor's reports. Gaye Rutan seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 1893, George R. Dorsey.

Respondent appeared. Lee Ann Elliott moved that because Respondent's licensed residential certificate No. 10480 has expired, the complaints be closed to be reopened in the event Respondent reapplies for licensure or certification. Gaye Rutan seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2123, Chasin D. Jenkins.

Respondent appeared. Staff summary was read. Gaye Rutan moved that the Board find no violations and dismiss the complaint. Tom Heineman seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2122, Stephen R. Wells.

Respondent did not appear. Staff summary was read. Gaye Rutan moved that the Board find no violations and dismiss the complaint. Gabe Corral seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 1391/2044, Alfred M. Benson.

Respondent did not appear. Tom Heineman recused himself. Gaye Rutan moved that because Respondent has passed away, the matters be closed. Myra Jefferson seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 1959/1960/1961, John A. Bellerose.

Respondent did not appear. Gaye Rutan moved that the Board approve the revised Consent Agreement and Order of Discipline citing violations and providing for probation, mentorship and education. Cynthia Henry seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 1962, Jose G. Encinas.

Respondent did not appear. Gaye Rutan moved that the Board open complaint 2175 alleging noncompliance with the 8/17/05 due diligence consent letter. Tom Heineman seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 1994/2018, Craig T. Passalacqua.

Respondent did not appear. Gaye Rutan moved that the Board approve Owen J. Jones, Certified General Appraiser #30458 as Respondent's mentor. Tom Heineman seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2015, Rodney R. Smith.

Respondent did not appear. Gaye Rutan moved that the Board accept the investigator's report. Myra Jefferson seconded the motion. The Board voted unanimously in favor of the motion. Lee Ann Elliott moved that the Board invite Respondent to an informal hearing. Myra Jefferson seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2033, Robert H. Fabrizio.

Respondent did not appear. Gaye Rutan moved that the Board accept the investigator's report. Gabe Corral seconded the motion. The Board voted unanimously in favor of the motion. Gaye Rutan moved that the Board find no violations and dismiss the complaint. Gabe Corral seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2050, Steven W. Johnston.

Respondent did not appear. Gabe Corral moved that the Board accept the investigator's report. Gaye Rutan seconded the motion. The Board voted unanimously in favor of the

motion. Gaye Rutan moved that the Board find Level II violations and offer Respondent a nondisciplinary letter of remedial action citing violations and requiring education. Tom Heineman seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2054, Brian R. Yeske.

Respondent did not appear. Gaye Rutan moved that the Board accept the investigator's report. Cynthia Henry seconded the motion. The Board voted unanimously in favor of the motion. Gaye Rutan moved that the Board invite Respondent to an informal hearing. Myra Jefferson seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2057, Todd Michael Breyfogle.

Respondent did not appear. Gaye Rutan moved that the Board accept the investigator's report and invite Respondent to an informal hearing. Myra Jefferson seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2058, Theodore J. Brennan.

Respondent did not appear. Gaye Rutan moved that the Board accept the investigator's report. Tom Heineman seconded the motion. The Board voted unanimously in favor of the motion. Gaye Rutan moved that the Board find Level III violations and offer Respondent a Consent Agreement and Order of Discipline citing violations and providing for probation and education. Rod Bolden seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2071, Godfrey A. Revis.

Respondent did not appear. Gabe Corral moved that the Board accept the investigator's report. Tom Heineman seconded the motion. The Board voted unanimously in favor of the motion. Gaye Rutan moved that the Board invite Respondent to an informal hearing. Tom Heineman seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2074, David B. Harper.

Respondent did not appear. Gabe Corral moved that the Board accept the investigator's report. Lee Ann Elliott seconded the motion. The Board voted unanimously in favor of the motion. Gaye Rutan moved that the Board invite Respondent to an informal hearing. Gabe Corral seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2088, Marc J. Seigleman.

Respondent did not appear. Gaye Rutan moved that the Board accept the investigator's report. Rod Bolden seconded the motion. The Board voted unanimously in favor of the motion. Gaye Rutan moved that the Board find Level I violations and offer Respondent a nondisciplinary letter of concern finding violations. Myra Jefferson seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2097, Lauren P. Arnold.

Respondent did not appear. Staff summary was read. Tom Heineman moved that the Board find no violations and dismiss the complaint. Lee Ann Elliott seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2129, Fred J. Donaldson.

Respondent did not appear. Staff summary was read. Gabe Corral moved that the Board find no violations and dismiss the complaint. Tom Heineman seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2126, Brad G. Wardrop.

Respondent did not appear. Staff summary was read. Gabe Corral moved that the Board find Level I violations and offer Respondent a nondisciplinary letter of concern citing violations. Gaye Rutan seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2130, Henry R. Wieczorek, Jr.

Respondent did not appear. Staff summary was read. Gaye Rutan moved that the matter be referred to an investigator. Rod Bolden seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2131, Clifford W. Saylor.

Respondent did not appear. Staff summary was read. Tom Heineman moved that the Board find no violations and dismiss the complaint. Gabe Corral seconded the motion. The Board voted 7-1 in favor of the motion. Gabe Corral voted no.

Review and Action Concerning 2132, Brandon F. Meahl.

Respondent did not appear. Staff summary was read. Gabe Corral moved that the Board find no violations and dismiss the complaint. Tom Heineman seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2133, Costandine D. Nomicos.

Respondent did not appear. Staff summary was read. Tom Heineman moved that the matter be referred to an investigator. Gaye Rutan seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 1571/1572/1834/1840/2010/2012 (03F-1571-BOA/03F-1572-BOA/04F-1834-BOA/04F-1840-BOA/05F-2010-BOA/ 05F-2012-BOA), Richard C. Blackburn.

Respondent did not appear. The Board noted that the matters were handled previously in the meeting.

EDUCATION APPLICATION REVIEW

Gaye Rutan moved that the Board go into Executive Session for legal advice. Tom Heineman seconded the motion. The Board voted unanimously in favor of the motion. Upon return from Executive Session, Lee Ann Elliott moved that no action be taken concerning approval of Dynasty School as a course provider. Cynthia Henry seconded the motion. The Board voted unanimously in favor of the motion. Tom Heineman moved that the Board table the course approval applications for Mastering Real Estate Appraisal for 75 hours of qualifying education (distance) and for 2005 National USPAP Update Equivalent for seven hours of continuing education (distance) submitted by Dynasty School to allow for further research. Gaye Rutan seconded the motion. The Board voted unanimously in favor of the motion.

BOARD CHAIRPERSON REPORT

Les Abrams reported on the favorable field review letter received from the Appraisal Subcommittee following its November field review.

EXECUTIVE DIRECTOR REPORT

Debb Pearson reported on the status of the Assistant Attorney General's assignments; advised no complaint answer dates had been extended by staff; reported the following complaint status for calendar year 2006 through 3/31/06:

Complaints filed	66	
Complaints dismissed	5	
Complaints referred to investigation		4
Complaints resolved with nondisciplinary letter of concern		5
Complaints resolved with nondisciplinary letter of remedial action		0
Complaints resolved with disciplinary letter of due diligence	0	
Complaints resolved with probation		1
Complaints referred to informal hearing	1	
Complaints referred to formal hearing	0	
Complaints resolved with suspension	0	
Complaints resolved with surrender		0
Complaints resolved with revocation		0
Complaints resolved with cease and desist letters		1
Violations Levels:		
I	6	
II	0	
III	0	
IV	0	
V	1	

and summarized the information received at the State Regulator Advisory Group (SRAG) Meeting, and the annual Spring Conference of the Association of Appraiser Regulatory Officials (AARO) held April 7-10, 2006, in San Antonio, Texas.

APPLICATION REVIEW COMMITTEE REPORT

Gaye Rutan reported that she had been elected Chairperson of the Committee and further reported the following Arizona appraiser and property tax agent information as of April 18, 2006:

Licensed Residential	969	
Certified Residential	886	
Certified General	768	
Nonresident Temporary	91	Total 2714
Property Tax Agents	295	

Tom Heineman moved that the Board deny licensed residential application #5894, D'Metrid R. James, pursuant to A.R.S. §§ 32-3611(D)(4) and 32-3631(A)(4). Gaye Rutan seconded the motion. The Board voted unanimously in favor of the motion. Gaye Rutan moved that the Board accept the Committee's recommendations (see attached). Lee Ann Elliott seconded the motion. The Board voted unanimously in favor of the motion.

APPRAISAL TESTING AND EDUCATION COMMITTEE REPORT

Tom Heineman reported that he had been elected Chairperson of the Committee and moved that the Board accept the Committee's recommendations (see attached). Lee Ann Elliott seconded the motion. The Board voted unanimously in favor of the motion.

BUDGET COMMITTEE REPORT

Myra Jefferson reported that she had been elected Chairperson of the Committee. Gabe Corral moved that researching the availability of funds to update the Board's data base be placed on the next Board agenda. Cynthia Henry seconded the motion. The Board voted 6-2 in favor of the motion. Les Abrams and Gaye Rutan voted no.

PERSONNEL COMMITTEE REPORT

Cynthia Henry reported that she had been elected Chairperson of the Committee.

PROPERTY TAX AGENT COMMITTEE REPORT

Les Abrams reported that he had been elected Chairperson of the Committee.

RULES AND REGULATIONS COMMITTEE REPORT

Les Abrams reported that he had been elected Chairperson of the Committee

OLD BUSINESS

None.

NEW BUSINESS

None.

CONFIRMATION OF MEETING DATES, TIMES, LOCATIONS AND PURPOSES

The upcoming Committee and Board meetings were scheduled as follows:

May

17	Application	3:00 p.m.
18	Education	8:30 a.m.
18	Board Meeting	9:00 a.m.

ADJOURNMENT

The meeting was adjourned.

Lester G. Abrams, Chairperson